

NEWINGTON COMMUNITY ASSOCIATION
BOARD OF DIRECTORS' MEETING – April 7, 2010
Minutes of the Meeting

At 7:02 pm President John Peirce called the meeting to order. Board members in attendance included Treasurer Chip Catherine, Director Bob Fasick, Director John Nolan, and Director Louise Whitt. Vice President Liz Fernandez, Secretary Sarah Jernigan, and Director Nestor Fernandez were not in attendance.

PRESIDENT'S COMMENTS

President Peirce stated he received an email from Director Nestor Fernandez informing him that he will be resigning from the Board. He felt Nestor always had the best interest of the community in mind and is sorry to see him leave. This vacant Board position is up for election in August.

A resident approached President Peirce with an idea on how to address the lack of parking on some of the streets. Residents utilize all the blank spaces and there is no room for visitors. He would like to see a parking committee developed to do some research and propose some changes to the Board.

APPROVAL OF MINUTES

Treasurer Catherine was concerned about the last sentence in the T-bill section of Old Business. The word 'agreed' will be replaced with 'recommended'. Director Nolan made a motion to accept the minutes with the above change. Director Fasick seconded the motion. Vote: 5 yes, 1 no (Whitt).

HEARINGS

Lot 484's tenant was in attendance for a trash violation. He believed the trash company missed picking up the bag.

Lot 530 was in attendance for an architectural violation. The owner stated that his sidewalk has been fixed and he is not sure what the Board wants him to do. The sidewalk is now smooth and the damaged door has been removed.

Lot 7 and 531 were not in attendance for hearings.

COMMITTEE/BUSINESS REPORTS

Planning and Development

Mr. Lou Tobat provided an update on the progress of construction around Rolling Road. The sound barrier is being built. There has been some problems with drainage on Rolling after Richfield. Rolling Road will become a ramp. There is a plan to put a parking lot inside the cloverleaf to accommodate parking needs. Phase 3 of the construction plan is not being addressed yet.

By laws Committee

Tom Queen, the Bylaws Committee Chairperson, was unable to be at the meeting but wanted it expressed that the committee is done reviewing the NCA bylaws and has made their recommended changes. A copy of those recommendations had been forwarded to the Board in advance of the meeting. The committee would like the Board to vote to send the recommended changes to NCA's general counsel for review and return by April 28th. He wanted to express his thanks to everyone who attended the meetings and their constructive collaboration. These bylaw changes are not for the Board's approval since bylaw changes are voted on by the membership, not the Board. Director Nolan made a motion to forward the committee's recommendation to general counsel. Director Fasick seconded the motion. Vote: 6 yes.

Maintenance Committee

A letter was sent to the Fairfax County Park Authority stating NCA has concerns about the conditions of FCPA paths that are part of the NCA paths. They agreed to NCA's approximate boundary lines but do not intend to repair their paths at this time. It is the committee's recommendation that signs be put up along the paths identifying where NCA maintenance stops. Four signs would be needed at a cost of approximately \$125 each. Funding would be from the common grounds improvement line in the operations budget. Director Nolan made a motion to install four signs. Director Roy seconded the motion. Vote: 6 yes.

An RFP was put out for repair of NCA paths. The committee agrees NCA should move forward with one section this year. The four bids received have significantly different quantities on certain aspects of the repairs, and costs are varied. One contractor, Tibbs Paving, had the best unit prices. The Board was asked if they wanted the engineers to spend time speaking to all bidders about their differences or focus on Tibbs for getting a final price and comprehensive scope of work. Director Nolan made a motion to focus on getting a final proposal from Tibbs. Director Roy seconded the motion. Vote: 6 yes.

A resident in attendance asked the Board if the curbs on Brandeis were going to be fixed. All needed repairs are on the Maintenance Committee's work list.

Treasurer Catherine would like VDOT to fix the rusted, bent guardrail on Northumberland between Godolphin and the ball field.

The next meeting of the maintenance committee is April 10th at 11 a.m.

Community Manager Report

- *General*
 - *NCA Vehicle Tickets: 0*
 - *Disclosure inspection(s): 7734 LeMoyné, 8461 Brainerd, 8519 Jenner, 7758 Durer, 8540 Gwynedd*
 - *New Violation letters: TRASH (1), RULES (2), ARCHITECTURAL (5).*
 - *April 6th court hearing contesting violation charge of \$900.*
 - *Fairfax Water Authority replaced two meters at pool because one account had been closed two years ago. Accounts not recorded properly. May have been overpaying by not have sewer fees removed for pool-only water. Fairfax Water stated that pipes were*

not set up correctly and needed to move pool meter from below main meter to above. Had plumber look at situation and he felt everything was done properly and pool meter should be treated as an irrigation meter. Fairfax Water is reviewing situation.

- *Easter Egg Hunt April 3rd.*
- *Yard Sale – May 15th.*
- *Clean Up Day – April 24th. No coordinator at this time.*
- *Asphalt path bids – Four received. More details in Maintenance Report.*
- *Alternate Yard Waste Disposal Disapproval in Townhomes. Letter sent appealing the decision. Awaiting response.*
- *VDOT work orders: potholes on Northumberland, broken barrier at end of DeLong*
- *Dominion Virginia work order: awaiting new light post on short Brandeis.*
- *Response from Fairfax County Parks. The trails that adjoin NCA trails “condition is not significantly different from many other trails in our trail network, and they have not been scheduled for upgrade or resurfacing in the near future. There are several locations where some maintenance work on the shoulders and some patching of the asphalt may be beneficial, however, so we will proceed with that work as soon as weather permits”.*
- *Resident has asked for special payment schedule. Attorney asking Board to approve. I reminded them that previous Board wanted attorney to handle delinquency actions without Board action.*

Email dated 1/12/09: Elizabeth, At the 1/7/09 Board meeting, the Board unanimously agreed that they cannot waive fees or consider special actions. Once a resident delinquent account is at the attorney’s office, the Board expects the attorneys to proceed as normal. If you work out payment arrangements as part of your normal negotiations in collections and it is consistent with our resolution regarding delinquencies, this is to be handled by the attorney.

They would like this ratified in writing by the present Board.

- *Resident Complaints/Issues:*
 - *Suggestion on painting pool house with children’s hand prints. Will wait until funding for painting of pool house.*
 - *Neighbor has downed fascia and gutter. Brandeis*
 - *Construction trash on LeMoyne*
 - *Downed stop sign on Lemoyne.*
 - *Branches bent from snow are touching house. Brandeis*
 - *Neighbor whose children play in street and don’t move and adults who leave trash in street. Jenner*
 - *Unapproved porch on Godolphin being constructed*
 - *Yard debris not taken with trash. Cushing*
 - *Construction debris in front yard on Gwynedd.*
 - *Car towed for commercial signage on it.*
 - *Water drainage issue behind Durer Court home. Recommend having engineer look at situation to determine if NCA issue or not. See letter from resident.*

Director Nolan made a motion to have the engineers review the drainage situation on Durer and provide a recommendation. Director Roy seconded the motion . Vote: 6 yes.

GENERAL BUSINESS - OLD

Assessment Delinquencies – Recently NCA general counsel informed the Community Manager that they are starting to recommend to their clients, even though NCA does not use them for collections, to foreclose on properties where residents are not paying their assessments. It is a more expensive process but it may be best to get rid of non-paying residents. Based on this suggestion President Peirce reviewed NCA’s assessment delinquency list and one resident who owns two properties is behind approximately \$5,500 in assessments and has incurred \$4,700 in legal fees. He believes it would be best for the community to foreclose on this individual. Director Nolan made a motion to proceed. Treasurer Catherine seconded the motion. Vote: 4 yes, 2 no (Whitt, Catherine). It was agreed to proceed unless our collection attorney has any significant reservations.

T-bill/Investment Strategy – NCA has a T-bill expiring in June. There is no documented investment strategy. The investment into TIPS voted on at the last meeting hasn’t occurred because the purchase of TIPS are only available quarterly, but it is believed to still be a good place to invest a portion of the NCA reserve funds. It was stated a ladder should be in place where a certain amount of funds expire every year. Director Roy will speak to Vice President Fernandez about setting up a Budget/Finance committee meeting in the next 30 days.

Charles Schwab Investment Accounts – President Peirce expressed his concern that Charles Schwab can only accommodate single authority access to their accounts. He believes it would be in NCA’s best interest to find another investment company that can accommodate dual authority restrictions.

Roles and responsibilities of CM – Secretary Jernigan provided in advance of the meeting a draft of the Roles and Responsibilities of the Community Manager. She is asking all Board members and the CM to review and provide comment by April 21st.

Budget Line Reallocations – In order to assist in managing the 2010 budget, it was agreed that the CM will utilize a working budget where some budget lines have been reallocated from the approved budget. This working budget will not effect the 2010 assessments.

GENERAL BUSINESS - NEW

Revised Trash Policy – The current trash policy has information in it that is specific to our current contractor. The policy was revised to separate out general information (i.e. location of closest landfill, etc.) from actual policy. The Board was asked if they wanted to consider enforcing that every resident use a trash can. Trash in properly secured plastic bags is acceptable. Director Roy made a motion to accept the revised trash policy. Director Fasick seconded the motion. Vote: 6 yes.

Curb Painting – NCA curbs have been painted for the past two years by one contractor. His quote for the final phase of the painting (Brandeis, Kitchener and Durer) was \$9500. He is willing to reduce that price to NCA’s budget line of \$7500. Director Roy made a motion to finish curb painting at \$7500. Director Fasick seconded the vote. Vote: 6 yes.

Pool Supplies – NCA’s pool contractor has provided a list of items needed to bring the pool into compliance with Fairfax County at a cost of \$2202.03. This list exceeds the CM’s spending authority and the budget line for pool supplies. Treasurer Catherine made a motion to approve the needed supplies up to a maximum of \$2200. Director Roy seconded the motion. Vote: 6 yes.

Newsletter Minutes – Director Whitt suggested that NCA go back to putting the full minutes in the newsletter. She believes NCA homeowners would appreciate the more open communications and it will save extra administrative work. Director Roy made a motion and Director Nolan seconded it. Vote: 6 yes.

Board Member Terms – At the 2010 annual meeting there will be four Board positions up for election, and only two next year. Director Whitt suggested that of those four positions up for election, one be a one year term. The one year term would be determined by the individual with the lowest number of votes. Going forward there would be three positions up for election every year. Director Roy made a motion and Director Nolan seconded it. Vote: 6 yes.

President Peirce called for a break and adjournment to executive session at 8:58 pm to discuss hearings, a legal decision and an attorney request regarding payment schedules. The Board agreed to take a short break. Director Roy needed to leave the meeting.

Return to open session at 9:15

Regarding Lot 530, the CM will take pictures of the property tomorrow and request an email vote from the Board as to whether architectural violations still exist.

Regarding Lot 531, Treasurer Catherine made a motion to assess the owner \$10 a day, starting in two weeks, for an architectural violation. Director Fasick seconded the motion. Vote: 5 yes.

Regarding Lot 484, Director Whitt made a motion to waive any charge for a trash violation. Treasurer Catherine seconded the motion. Vote: 5 yes.

Last year an email was sent to the collection attorney informing them that once an account has been turned over for collection, the NCA Board will not waive fees and the attorneys may enter into payment schedules with residents. They would like that put into writing. Treasurer Catherine made a motion to ratify the existing instructions. Director Nolan seconded the motion. Vote: 5 yes.

NCA went to trial on an architectural violation. The judge ruled that the Deed of Declaration didn’t address assessment of charges. Virginia Statutes allow homeowner associations to assess charges as long as our rules allow for it. The attorney does not recommend NCA appeal the ruling based on the rules violations policy that was in place at the time of the architectural violations. President Peirce made a motion to get general counsel’s opinion. Director Nolan seconded the motion. Vote: 4 yes, 1 no (Catherine).

Meeting adjourned at 9:40.